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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

IN RE COLLEGE ATHLETE NIL  
LITIGATION

Case No. 4:20-cv-03919-CW

**DECLARATION OF SNAP INC. IN  
SUPPORT OF JOINT ADMINISTRATIVE  
OMNIBUS MOTION TO SEAL**

1 I, Noah Perez-Silverman, declare as follows:

2 I am Associate General Counsel for Snap Inc. (“Snap”) in the above-captioned matter. I  
3 make this Declaration based on my personal knowledge and investigation, and if called as a witness  
4 to testify, I could and would testify competently to the following facts.

5 1. I am advised that the Parties in the above-captioned matter are seeking to file under  
6 seal and/or redact information relating to Snap’s highly confidential third-party NIL contractual  
7 and payment information with student-athletes at various of Defendants’ member institutions.

8 2. This Declaration is being made in support of the Parties’ Joint Administrative  
9 Omnibus Motion to Seal (“Motion”), and pursuant to Civil Local Rules 7-11 and 79-5.

10 3. Snap moves to maintain the confidentiality of certain portions of documents filed  
11 under seal by the Parties that contain or reflect confidential information regarding highly sensitive  
12 contractual and payment data.

13 4. Specifically, Snap requests that certain portions of the expert report of Catherine  
14 Tucker, as described below and as identified in the Proposed Order Regarding Joint Administrative  
15 Omnibus Motion to Seal (“Proposed Order”) as entry numbers 417 and 419, be maintained under  
16 seal.

17 5. A party seeking to file a document under seal must “establish that a document, or  
18 portions thereof, are sealable.” Civil L.R. 79-5(b). In connection with a dispositive motion, a  
19 designating party must demonstrate that “compelling reasons” exist to protect the information from  
20 being disclosed. *Kamakana v. City & County of Honolulu*, 447 F. 3d 1172, 1178-79 (9th Cir.  
21 2006). Redactions, instead of complete removal, can be used to place “limited and clear” portions  
22 of information outside the public record. *Id.* at 1183.

23 6. Snap can demonstrate that compelling reasons exist to maintain the following  
24 narrowly tailored redactions under seal.

**CONFIDENTIAL THIRD-PARTY NIL PAYMENT TERMS WITH STUDENT-ATHLETES**

7. The expert report of Catherine Tucker contains and reflects confidential information regarding payment terms between Snap and student-athletes at various NCAA member institutions, including members of the Defendant Conferences.

8. The Northern District of California has concluded that “compelling reasons” exist to seal “confidential business information,” such as contracts and financial terms, in order to “prevent a competitor from gaining insight into the parties’ business model and strategy.” *Guzman v. Chipotle Mexican Grill, Inc.*, No. 17-cv-02606-HSG, 2020 WL 1171112, at \*1 (N.D. Cal. Mar. 11, 2020) (citation and internal quotation marks omitted).

9. Courts have concluded that information that would harm a company’s competitive standing if publicly disclosed is properly sealed. *See, e.g., Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978); *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1097 (9th Cir. 2016).

10. Although Snap has not produced documents in this action, copies of Snap’s highly confidential financial terms with student-athletes have been produced by numerous member institutions. Snap has a compelling interest in maintaining the confidentiality of its financial terms with student-athletes to avoid any disclosure of its business model and strategy and to avoid the harm to its competitive standing that would result should these details be disclosed. Therefore, Snap supports the Parties’ Motion to redact those portions of the expert report of Catherine Tucker which reflect the terms of its confidential financial terms with student-athletes, as identified below and in the Proposed Order:

Document	Entry Number [Joint Admin. Omnibus Motion to Seal, Ex. 1, ECF No. 318-1]	Text to be Sealed
Kilaru Decl. Ex. 1, Expert Report of Catherine Tucker [ECF No. 251-1]	417	p. 174 ¶ 205
Kilaru Decl. Ex. 1, Expert Report of	419	p. 174 n.449

Document	Entry Number [Joint Admin. Omnibus Motion to Seal, Ex. 1, ECF No. 318-1]	Text to be Sealed
Catherine Tucker [ECF No. 251-1]		

11. The limited redactions proposed above are narrowly tailored, and seek to seal only information regarding Snap's confidential financial terms with student-athletes, the public disclosure of which would harm Snap.

12. For the foregoing reasons, Snap respectfully submits that compelling reasons exist to seal the information as identified above and in the Proposed Order.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on September 28, 2023, in Alhambra, CA.

/s/ Noah Perez-Silverman  
Noah Perez-Silverman